

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Appln of:

Edward A. VAREL et al.

Group Art Unit: 3682

Serial No.: 10/076,648

Filed: February 19, 2002

For: REMOVABLE MORTAR MIXER BEARING AND SEAL ASSEMBLY

PETITION FOR RETROACTIVE LICENSE
UNDER 35 USC §184

Assistant Commissioner of Patents
Washington, D.C. 20231
BOX DAC

Dear Sir:

It is requested that a retroactive foreign filing license be granted in connection with the above-identified U.S. patent application, for the following country:

Canada, filed February 25, 2002

In support of this request, undersigned counsel avers that the subject matter of the above U.S. patent application was not under a secrecy order at the time it was filed in Canada, and that it is not currently under a secrecy order.

Immediately upon it being brought to undersigned counsel's attention, on September 5, 2002, that the corresponding Canadian application should not have been filed until after receipt of a filing receipt from the U.S. Patent and Trademark Office indicating the grant of a foreign filing license for the above-identified U.S. application, undersigned counsel prepared the instant Petition.

At the time of filing the Canadian patent application on January 26, 2001, undersigned counsel did not appreciate the need for a foreign filing license directed thereto inasmuch as the technology covered by such invention, i.e., removable mortar mixer bearing and seal assembly, had no application in connection with any subject matter which would be considered to involve national security.

Undersigned counsel further avers that the error in proceeding with filing the corresponding Canadian application without awaiting receipt of the required license under §5.11 occurred without deceptive intent on the part of the Applicants or undersigned counsel.

The processing fee of \$130.00, as required under 37 CFR §1.17(h), is attached.

Favorable action commensurate with the foregoing is requested.

Respectfully submitted,

JACOBSON HOLMAN, PLLC

By: Harvey B. Jacobson, Jr.
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Atty. Dkt. No.: P67273US0
HBJ/lhs
Dated: September 12, 2002

JH Ref P67273US0

Today's Date 9-12-02

Serial/Patent No. 10/076,648

Applicant, Patentee, Assignee VAREL et al

Filing Date/Patent Date February 19, 2002

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- | | |
|---|---|
| <input type="checkbox"/> _____ pp. Specification & _____ Claims | <input type="checkbox"/> Response to Office Action |
| <input type="checkbox"/> Combined Declaration, Power of Attorney | <input type="checkbox"/> Disclosure Statement-IDS |
| <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Copies of References |
| <input type="checkbox"/> Rule 53 (b) Application | <input type="checkbox"/> Request for Refund |
| <input type="checkbox"/> Rule 53 (d) /RCE Application | <input type="checkbox"/> Request for Corrected Filing Receipt |
| <input type="checkbox"/> Claim to Priority and Certified Copy | <input type="checkbox"/> Petition for XOT |
| <input type="checkbox"/> Substitute <input type="checkbox"/> Subsequent Declaration | <input type="checkbox"/> Notice of Appeal/Brief |
| <input type="checkbox"/> Maintenance Fee | <input type="checkbox"/> Sequence Listing |
| <input type="checkbox"/> Drawings _____ Sheets _____ Formal _____ Informal _____ | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Assignment/Change of Name | <input checked="" type="checkbox"/> Other <u>Petition for</u> |
| <input type="checkbox"/> Small Entity Declaration | <input type="checkbox"/> <u>Retroactive License</u> |
| <input checked="" type="checkbox"/> Check for \$ <u>130.00</u> | <input type="checkbox"/> <u>Under 35 USC 184</u> |

JH 11/01

DUE DATE --

Person filing LHS

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